

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LEANDRE EUGENE HARWELL,)	
)	
Petitioner,)	1:22-cv-788
)	
v.)	1:18-cr-370-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On October 27, 2022, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 39, 40.) No objections were filed within the time limits prescribed by Section 636.

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 39), is **ADOPTED**. **IT IS FURTHER ORDERED** that Petitioner's Letter treated as a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. 38) is **DENIED**, and that this action is hereby, **DIMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms, or filing a Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A) if that is her intent. The court

further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 18th day of April, 2023.

William L. Osten, Jr.
United States District Judge